



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

DK

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/084,542	05/26/98	VITE	G LD125B

BURTON RODNEY
BRISTOL-MYERS SQUIBB COMPANY
P O BOX 4000
PRINCETON NJ 08543-4000

HM12/0623

EXAMINER

COLEMAN, B

ART UNIT	PAPER NUMBER
----------	--------------

1611

2

DATE MAILED:

06/23/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/084,542

Applicant(s)

VITE et al.

Examiner
Brenda Coleman

Group Art Unit
1611



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-6 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1 and 3-5 is/are rejected.

☒ Claim(s) 2 and 6 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1611

DETAILED ACTION

Claims 1-6 are pending in the application.

Specification

The abstract of the disclosure is objected to because it is too long. Correction is required.

See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

Claims 1 and 3-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The following reason(s) apply:

- a) Claim 1 is vague and indefinite in that it is not known what is meant by the moiety $O_2CNR_{26}R_{27}$ in the definition of B_1 and B_2 . If $-O-C(=O)-NR_{26}R_{27}$ is what the applicant intended it should be stated so.
- b) Claim 1 is vague and indefinite in that the definition of R_{30} appears twice in line 9 of page 62.
- c) Claim 3 is vague and indefinite in that the nomenclature of the species in lines 26-28 of page 63 has a semi-colon followed by a close bracket.
- d) Claim 3 is vague and indefinite in that the nomenclature of the species in lines 14-16 of page 64 is missing an open bracket.

Art Unit: 1611

- e) Claim 3 is vague and indefinite in that the nomenclature of the species in lines 22-24 of page 65 has a semi-colon followed by a close bracket.
- f) Claim 3 is vague and indefinite in that the nomenclature of the species in lines 9-10, 12-14 and 16-18 of page 67 have a period after each species rather than a semi-colon.
- g) Claims 4 and 5 indicate "comprises providing an effective amount of a compound of claim 1 to said patient" which is unclear as to whether this is indicative of a subject in need thereof.

Claim Objections

Claims 2 and 6 are rejected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following references are cited as the state of the art, WO 97/19086 and WO 93/10121.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Coleman whose telephone number is (703) 305-1880. The examiner can normally be reached on Monday thru Friday from 9:00 AM to 5:30 PM.

The fax phone number for this Group is (703) 308-4734 for "unofficial" purposes and the actual number for **OFFICIAL** business is **308-4556**.


Application/Control Number: 09/084,542

Page 4

Art Unit: 1611

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1235.

Mukund J. Shah
Supervisory Patent Examiner
Art Unit 1611

 Brenda Coleman
June 18, 1999